

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KEVIN VESHON TYLER,	:	MOTION TO VACATE
	:	28 U.S.C. § 2255
Petitioner,	:	
	:	CRIMINAL ACTION NO.
vs.	:	1:08-CR-165-CC
	:	
UNITED STATES OF AMERICA,	:	CIVIL ACTION NO.
	:	1:11-CV-4592-CC
Defendant.	:	

ORDER

This matter is before the Court on the Final Report and Recommendation [Doc. No. 44] issued by Magistrate Judge Justin S. Anand on December 6, 2012, recommending that Movant Kevin Veshon Tyler's motion to vacate sentence be denied and that the Court likewise deny the issuance of a certificate of appealability. The record reflects that no objections to the Final Report and Recommendation have been filed and that the time period permitted for filing any such objections has elapsed.

Having conducted a plain error review of the Final Report and Recommendation in accordance with United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), the Court finds that the Final Report and Recommendation is correct both in fact and in law. Accordingly, the Court **ADOPTS** the Final Report and Recommendation as the opinion on this Court and hereby **ORDERS** that Movant Kevin Veshon Tyler's motion to vacate sentence is **DENIED**. Further, insofar as reasonable jurists would not find debatable or wrong the determination that Movant's claims are time-barred, no certificate of appealability shall issue.

SO ORDERED this 7th day of January, 2013.

s/ CLARENCE COOPER

CLARENCE COOPER
SENIOR UNITED STATES DISTRICT JUDGE